

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2015 MAY -7 P 3:53

CLEARED FOR COURT
/ALEXANDRIA DIVISION

UNITED STATES OF AMERICA ex rel. ROBERT
K. FULK, et al.,

Plaintiffs,

v.

UNITED PARCEL SERVICE, UPS SUPPLY
CHAIN, and UPS FREIGHT,

Defendants.

Civil No.: 1:11 Civ. 890 (CMH) (TCB)

FILED EX PARTE AND UNDER SEAL
PURSUANT TO 31 U.S.C. § 3730(b)

**UNITED STATES' NOTICE OF ELECTION TO INTERVENE
IN PART AND TO DECLINE TO INTERVENE IN PART**

Pursuant to the False Claims Act ("FCA"), 31 U.S.C. § 3730(b)(2) and (4), the United States hereby notifies the Court of its decision to intervene in this case for the purpose of settling the allegations set forth below.

The United States, the Relator, and defendants United Parcel Service, Inc., UPS Supply Chain, and UPS Freight ("UPS") have entered into a settlement agreement ("Settlement Agreement") that will result in the dismissal of the action brought on behalf of the United States.

The United States notifies the Court that it is intervening in this action as to the Covered Conduct as defined in Recitals Paragraph D of the Settlement Agreement. The United States notifies the Court that it declines to intervene as to the remaining allegations in the Relator's Complaint brought on behalf of the United States.

Once payments are received under the terms of the Settlement Agreement, the United States and the Relator will file a Joint Stipulation of Dismissal, dismissing the intervened claims asserted on behalf of the United States with prejudice to the Relator and with prejudice to the

United States, and dismissing the non-intervened claims alleged on behalf of the United States with prejudice to the Relator and without prejudice to the United States.

Accompanying the Joint Stipulation of Dismissal will be a proposed order dismissing the claims in the Complaint brought by Relator on behalf of the United States and providing for the lifting of the seal.

Dated: May 7, 2015

Respectfully submitted,

DANA J. BOENTE
United States Attorney
Eastern District of Virginia




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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2015, a true and correct copy of the
**UNITED STATES' NOTICE OF ELECTION TO INTERVENE IN PART AND TO
DECLINE TO INTERVENE IN PART** was mailed by first-class mail to:

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